

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA  
CENTRAL DIVISION

DARLENE BIG CROW, as personal representative for the ESTATE OF SETH BIG CROW,  Plaintiff,  vs.  GEORGE MATHEW, M.D.,  Defendant.	CIV. 08-3011       <b>ANSWER</b>
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Defendant George Mathew, M.D., by his counsel of record, Davenport, Evans, Hurwitz & Smith, L.L.P., hereby submits his Answer to Plaintiff's Complaint.

1. Defendant admits the allegations contained in paragraph 1 of Plaintiff's Complaint.
2. Defendant admits the allegations contained in paragraph 2 of Plaintiff's Complaint.
3. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 3 of Plaintiff's Complaint.
4. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 4 of Plaintiff's Complaint.
5. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 5 of Plaintiff's Complaint.
6. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 6 of Plaintiff's Complaint.
7. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 7 of Plaintiff's Complaint.

8. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 8 of Plaintiff's Complaint.
9. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 9 of Plaintiff's Complaint; however, Defendant admits that he was on duty on January 18, 2007.
10. Defendant denies the allegations contained in paragraph 10 of Plaintiff's Complaint.
11. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 11 of Plaintiff's Complaint.
12. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 12 of Plaintiff's Complaint.
13. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 13 of Plaintiff's Complaint.
14. Defendant admits, denies and otherwise answers as set for in paragraphs 1 through 13.
15. Defendant denies the allegations contained in paragraph 15 of Plaintiff's Complaint.
16. Defendant denies the allegations contained in paragraph 16 of Plaintiff's Complaint.
17. Defendant denies the allegations contained in paragraph 17 of Plaintiff's Complaint.
18. Defendant denies the allegations contained in paragraph 18 of Plaintiff's Complaint.
19. Defendant admits, denies and otherwise answers as set for in paragraphs 1 through 18.
20. Defendant denies the allegations contained in paragraph 20 of Plaintiff's Complaint.
21. Defendant denies the allegations contained in paragraph 21 of Plaintiff's Complaint.

WHEREFORE Defendant prays that the Plaintiff recover nothing by way of her complaint; that Defendant recover his costs and disbursements herein; and such other relief as the court deems just and equitable.

Dated at Sioux Falls, South Dakota, this 20<sup>th</sup> day of July, 2008.

DAVENPORT, EVANS, HURWITZ &  
SMITH, L.L.P.

/s/ Mark F. Marshall

Mark F. Marshall  
206 West 14<sup>th</sup> Street  
PO Box 1030  
Sioux Falls, SD 57101-1030  
Telephone: (605) 336-2880  
Facsimile: (605) 335-3639  
E-mail: mmarshall@dehs.com  
*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

Mark F. Marshall, one of the attorneys for Defendant, hereby certifies on this 20<sup>th</sup> day of July, 2008, I caused the following document(s):

♦ Answer

to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-mail notice of the electronic filing to the following:

William J. Janklow  
JANKLOW LAW FIRM, PROF. L.L.C.  
1700 W. Russell Street  
Sioux Falls, SD 57104

*Attorneys for Plaintiff*

Dated: 20 July 2008

/s/ Mark F. Marshall

Mark F. Marshall